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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,305	02/24/2004	TIEK-NYEN LEE	ACMP0066USA	2304
27765	7590	05/04/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION			MARSH, STEVEN M	
P.O. BOX 506			ART UNIT	
MERRIFIELD, VA 22116			PAPER NUMBER	
			3632	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,305	Applicant(s) LEE, TIEK-NYEN	
	Examiner Steven M. Marsh	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second office action for U.S. Application 10/708,305 for a Probe Holder filed on February 24, 2004. Claims 1-12 and 14-16 are pending.

Claim Rejections - 35 USC § 102

Claims 1, 2, 4-12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,716,307 to Hansen. Hansen discloses a holder that can hold a test probe, with a body (12 or 14), an air inlet (16) positioned on the body, a first airway (around nozzle 20) embedded in the body and connected to the air inlet at a first opening (the left side of the nozzle) of the first airway, and a second airway (24) embedded in the body and connected to a second opening of the first airway at a fourth opening of the second airway. An inner diameter of the second airway is smaller than an inner diameter of the first airway. There is a vacuum cup (30) positioned on the body and connected to a fifth opening (26) of the second airway, the vacuum cup being adapted for contacting a surface to provide suction at the surface. There is an air outlet (18 or 52) positioned on the body and connected to a third opening of the first airway for venting the airflow, and a holding portion (12 or 14) installed on the body that can hold a test probe. The second airway is connected to the first airway with an angle such that the air flow through the first airway generates a low pressure condition in the second airway and in the vacuum cup and the angle of the second airway to a direction of the air flow through the first airway flowing past the second airway is equal to 90 degrees. The airways are tubes and an inner diameter of the air inlet is larger than an inner

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diameter of the first airway. An inner diameter of the second airway is smaller than an inner diameter of the first airway and the air outlet is capable of being blocked by a finger to modify outflow of the airflow from the outlet. There is an outlet actuator (62 or 64) installed on the air outlet and the body is made of a non-metallic, non-magnetic material. The holding portion also has a receiving space in the body (at 38 or at 56). The first airway extends along a first axis and the second airway extends along a second axis, the second airway communicating with the first airway through a midpoint formed between the air inlet and the air outlet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen. Hansen does not disclose the angle of the second airway to a direction of airflow through the first airway flowing past the second airway as being greater than ninety degrees. However, Applicant indicates that this is a matter of engineering preference that would have been obvious to one of ordinary skill in the art at the time of the present invention (paragraph 19 of Applicant's specification).

Response to Arguments

Applicant's arguments filed February 9, 2006 have been fully considered but they are not persuasive. Applicant argues that the air outlet is not capable of being blocked by a finger to modify the airflow from the air outlet. However, the outlet could be blocked with a finger if one so desired.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

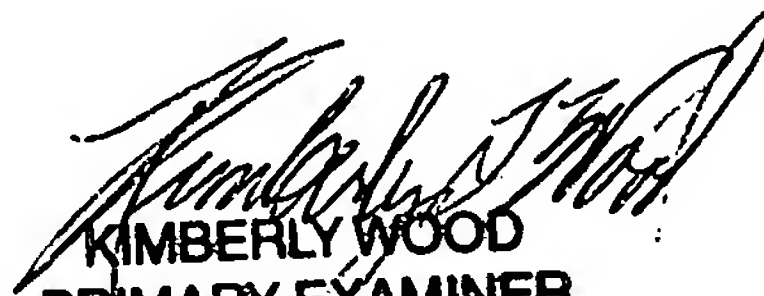
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(571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

SM

Steven M. Marsh

April 24, 2006


KIMBERLY WOOD
PRIMARY EXAMINER